

JAK
02/14/2002
Item 37

AN ORDINANCE

95326

APPROVING THE FOLLOWING AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION: AMENDMENT "B" - 35-344(G) AMENDMENT OF PUD AND MPDC PROVISIONS TO PROVIDE FOR INCLUSION OF YARDS IN "OPEN SPACE" CALCULATION; AMENDMENT "C" - 35-344(C) (1) ADDITION OF ZONING PREFIX TO PUD DESIGNATIONS AND 35-344 (C) (2) AMENDMENT OF "DENSITY TABLE"; AMENDMENT "D" - ADD DEFINITION OF THE INITIALS "NA" TO TABLE 311 AND 312; AMENDMENT "E" - 35-311 DELETION OF BARS AND TAVERNS AS A PERMITTED USE IN "NC" & "C-L" ZONING DISTRICTS AND ADDITION AS A CONDITIONAL USE; AMENDMENT "F" - 35-311 DELETION OF MANUFACTURED HOUSING AS A PERMITTED USE IN R-4 AND RM4 AMENDMENT "G" - 35-422 (E)(1) ADD WORDING TO CLARIFY THE NUMBER OF DESIGNATED USES ALLOWED UNDER "CONDITIONAL ZONING"; AMENDMENT "H" - 35-353(A) & (F) ADD TEXT (P 3 - 140 & P 3 - 141) TO CLARIFY PROPERTIES ELIGIBLE FOR "NEIGHBORHOOD PRESERVATION DISTRICT" DESIGNATION; AMENDMENT "I" - APPENDIX D ADD NOTE TO CLARIFY CONVERSION OF EXISTING "R-A" AND "PUD" DISTRICTS; AMENDMENT "J" - 35-311 ADDITION OF RADIO AUTO ALARM INSTALLATION AS A PRIMARY USE IN THE "TABLE 311-2"; AND PROVIDING FOR NOTIFICATION.

* * * * *

WHEREAS, the San Antonio City Council adopted the revised Unified Development Code (UDC) on May 3 2001; and

WHEREAS, it was anticipated that in the adoption of the revised UDC, a methodology would be necessary to address errors, omissions and implementation difficulties, resulting in the creation of the Unified Development Code Technical Advisory Committee (UDCTAC) to recommend substantive and procedural changes of the revised UDC to the City Council; and

WHEREAS, the UDCTAC has initially recommended that 10 amendments be made to the UDC; and

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WHEREAS, the amendments pertaining to zoning issues have been approved by the Zoning Commission; and

WHEREAS, the amendments pertaining to planning issues have been approved by the Planning Commission; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Amendments "B"

Chapter 35 Article III, Division 5, Section 35-344 (entitled Planned Unit Development District "PUD") is hereby amended by adding the language that is Underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text of said section as follows:

(C) Permitted Uses and Density

(2) Density table

The PUD Plan shall divide the PUD into land use categories and shall indicate the uses permitted in each category. For residential land use categories, the maximum number of dwelling units permitted per acre for each land use category is as follows:

<u>Land Use Category</u>	<u>Maximum Density</u>
RE	1
R-20	2
R-6, RM6	7
R-5, RM5	9
R-4, RM4	11
MF-25	25
MF-33	33
MF-40	40
MF-50	50

Land Use Category	Maximum Density
RE	1
R-20	2
R-6	6

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RM-6	7
R-5	8
RM-5	9
R-4	10
RM-4	11
MF-25	25
MF-33	33
MF-40	40
MF-50	50

Chapter 35 Article III, Division 5, Section 35-344 (entitled Planned Unit Development District "PUD") is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (deleted) to the existing text of said section as follows:

(g) Parks/Open Space

~~Each PUD plan shall provide for a minimum amount of parks/open space as required by subsection (1) below. Parks/Open Space shall include yards and any Parks/Open Space areas which conform to the Parks/Open Space Standards (§ 35-503) of this Chapter. Up to twenty (20) percent of the total open space requirement may be met by including one-half of any accessible and contiguous parkland, unimproved floodplain, cemetery, or other beneficial open area which has a reasonable expectancy of perpetuity.~~

Each PUD plan shall provide for a minimum amount of parks/open space as required by subsection (1) below. Parks/Open Space shall include yards, as well as any Parks/Open Space areas which conform to the Parks/Open Space Standards (§ 35-503) of the Chapter. Up to twenty (20) percent of the total open space requirement may be met by including one-half of any accessible and contiguous parkland, unimproved floodplain, cemetery, or other beneficial open area which has a reasonable expectancy of perpetuity.

Chapter 35 Article III, Division 5, Section 35-345 (entitled Master Planned Community District "MPCD") is hereby amended by adding the language that is underlined (added) to the existing text as follows:

(I) Open Space

Each MPDC plan shall provide for a minimum amount of parks/open space as required by subsection (1) below. Open Space shall include yards, as well as any Parks or Open Space areas which conform to the Parks/Open Space Standards of this Chapter. Up to twenty (20) percent of the total open space requirement may be met by including one-half of any accessible and contiguous parkland, unimproved floodplain, cemetery, or other beneficial open area which has a reasonable expectancy of perpetuity.

SECTION 2. Amendment "C"

Chapter 35 Article III, Division 5, Section 35-344 (entitled Planned Unit Development District "PUD") is hereby amended by adding the language that is underlined (added) to the existing text of said section as follows:

35-344 Planned Unit Development District ("PUD")

(c) Permitted uses and density

(1) Uses.

A planned unit development may include residential, commercial and industrial uses; cluster housing; common areas; unusual arrangements of structures on site; or other combinations of structures and uses that depart from standard development. The uses permitted in a PUD are those designated in the approved PUD Plan. Density limits are used to determine the maximum number of permitted dwelling units.

Planned Unit Developments containing one single zoning district shall be annotated with the zoning district (PUD "RE", PUD "R-20", etc.) and may be developed to the density indicated in the Maximum Density table in subsection (2) below.

Planned Unit Developments which contain more than one zoning district shall have each zoning district annotated as (PUD "RE", PUD "R-20", etc.) and each individual district may be developed to the density indicated in the Maximum Density table in subsection (2) below.

SECTION 3. Amendment "D"

Chapter 35 Article III, Division 2, Section 35-311 (entitled Use Regulations) is hereby amended by adding the language that is underlined (added) to the existing text of said section as follows:

**35-311 Use Regulations
Table 311-1**

NA

Not Allowed Uses. "NA" within the use matrix of Table 311 or 312, indicates a use that the City Council, in consultation with the San Antonio Water System, has deemed inappropriate

SECTION 4. Amendment E

Chapter 35 Article III, Division 2, Section 35-311 (entitled Use Regulations) is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text of said section as follows:

35-311 Use Regulations

Table 311-2 NON-RESIDENTIAL USE MATRIX

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZ	(LBC	S
Alcohol	Alcohol - Bar And/Or Tavern		<u>S</u> P	<u>S</u> P	P	P	P	P			P	2540	

SECTION 5. Amendment "F"

Chapter 35 Article III, Division 2, Section 35-311 (entitled Use Regulations) is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text of said section as follows:

35-311 Use Regulations

Table 311-1 Residential Use Matrix

TABLE 311-1 RESIDENTIAL USE MATRIX																	
PERMITTED USE	RCD	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33	MF-40	MF-50	ERZD
Dwelling - Hud-Code Manufactured Homes (Residential) <u>(Requires "MH" Special District zoning)</u>											P	P					P
																	1000
																	1150

SECTION 6. Amendment "G"

Chapter 35 Article IV, Division 3, Section 35-422 (entitled Conditional Zoning) is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (deleted) to the existing text of said section as follows:

35-422 Conditional Zoning

~~(e) — Criteria~~

~~(1) Permitted Uses~~

~~Notwithstanding any provisions of this Chapter to the contrary, a conditional zoning district may be permitted as provided in this section so long as the criteria for approval of a rezoning are met (see § 35-422-1). A conditional zoning district does not eliminate the landowner's right to use the property subject to the Application for any use permitted in the base zoning district. Uses permitted by right in the districts set forth in Column (A) of Table 423-1, below, may be permitted pursuant to a conditional zoning district approved within the zoning districts set forth in Column (B) of Table 422-1, as follows:~~

~~(e) Criteria~~

~~(1) Permitted Uses~~

~~Notwithstanding any provisions of this Chapter to the contrary, a single conditional land use from a less restrictive zoning district may be permitted in a more restrictive zoning district on a single property or a single platted lot as provided in this section so long as the criteria for approval of a rezoning are met (Table 422-1). A conditional zoning district does not eliminate the landowner's right to use the property subject to the "Application" for any use permitted in the base zoning district. Uses permitted by right in the zoning districts set forth in Column (A) of Table 422-1, below, may be permitted pursuant to a conditional zoning district approved within the zoning districts set forth in Column (B) of Table 422-1, as follows:~~

SECTION 7. Amendment "H"

Chapter 35 Article III, Division 5, Section 35-353 (entitled "Neighborhood Preservation Districts") is hereby amended by adding the language that is underlined (added) to the existing text as follows:

35-353 Neighborhood Preservation (“NP”) Districts

(a) Purpose

The Neighborhood Preservation Districts are designed to protect properties zoned “R-A, R-1a”, “R-1b”, or “R-1c” prior to June 4, 2001 and existing platted subdivisions which are substantially developed with single-family detached dwelling units. It is the policy of the City that these districts will be applied only to properties zoned “R-A”, “R-1a”, “R-1b”, or “R-1c” prior to June 4, 2001 or platted subdivisions which are recorded as of the effective date of this Chapter, in order to prevent such subdivisions from being further subdivided in a manner in order to avoid congestion in the streets, prevent safety hazards, protect the health and general welfare of subdivision residents, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, and facilitate the adequate provision of public facilities. The “NP” districts are not appropriate for the downzoning of unsubdivided parcels or tracts.

35-353 Neighborhood Preservation (“NP”) Districts

(f) Properties Zoned Prior to June 4, 2001

Properties zoned “R-A”, “R-1a”, “R-1b”, or “R-1c” prior to June 4, 2001 whether platted or remaining undeveloped will be converted to new zoning districts as indicated in Appendix D – Zoning District Conversion Matrix.

SECTION 8. Amendment "I"

Chapter 35 Appendix "D" 53 (entitled "Zoning District Conversion Matrix") is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (deleted) to the existing text of said section as follows:

Appendix D

Zoning District Conversion Matrix

(A) 1965 Zoning District	(B) 1938 Zoning District	(C) New Classification
R-A	N/a	<u>NP-10</u>
Planned Unit Development “PUD” *1		Planned Unit Development “PUD” *1

*1 Existing PUDs under the 1965 zoning ordinance will be converted to a designation that shall include a prefix designation (such as P “R6”) that most closely represents the prefix applied prior to the effective date of this ordinance in accordance with the foregoing conversion table.

SECTION 9. Amendment "J"

Chapter 35 Articles III, Division 2, Table 311-2 is hereby amended by adding the language that is underlined (added) to the existing text as follows:

35-311 Use Regulations

Table 311-2 NON-RESIDENTIAL USE MATRIX

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZ	(LBC S
<u>Auto</u>	<u>Auto Alarm & Radio – Retail (sales and installation as a primary use)</u>						<u>S</u>		<u>P</u>			<u>P</u>	<u>2115</u>

Section 10. All other provisions of Chapter 35 of the City Code of San Antonio shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 11. Should any Article, section, Part, Paragraph, Sentence, Phrase, Clause or Word of this ordinance, or any appendix thereof, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 12. Notice of these changes to the Unified Development Code shall not require the Publication in an official newspaper of general circulation as required in Chapter 35 Article IV, Division 1, Table 403-1.

SECTION 13. The publishers of the City Code and the Unified Development code are Authorized to amend said Codes to reflect the changes adopted herein.

SECTION 14. This ordinance shall become effective ten (10) days after passage.

PASSED AND APPROVED this the _____ day of _____ 2002.

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ATTEST:

City Clerk

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APPROVED AS TO FORM: _____
City Attorney